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7 Attorneys for Defendants
8 FITBIT, INC., JAMES PARK,
and WILLIAM R. ZERELLA

14 BRIAN H. ROBB, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

Defendants.

No. 3:16-cv-00151-SI

**STIPULATION AND [PROPOSED]
SCHEDULING ORDER**

JUDGE: Hon. Susan Illston
CTRM: 1 – 17th Floor

1 Pursuant to Civil Local Rule 7-12, Defendants Fitbit Inc., James Park, and William R.
 2 Zerella (“Defendants”) and Plaintiff Brian H. Robb (“Plaintiff” and collectively, with Defendants,
 3 the “Parties”), by and through their undersigned counsel of record, submit the following
 4 stipulation and proposed scheduling order:

5 WHEREAS, the Court scheduled a Case Management Conference (“CMC”) in this Action
 6 for April 15, 2016 at 2:30 p.m. (Dkt. No. 5);

7 WHEREAS, on April 11, 2016, the Court entered an order (Dkt. No. 54) approving the
 8 Parties’ joint stipulation extending Defendants’ time to respond to the complaint, which provided
 9 that “Within 10 (ten) days after this Court appoints a Lead Plaintiff, the Lead Plaintiff and
 10 Defendants will submit to the Court a proposed schedule for (1) Lead Plaintiff’s filing of an
 11 Amended Complaint or designation of the Complaint as the operative complaint in this action;
 12 and (2) Defendants’ time to answer or otherwise respond to the operative complaint.” (Dkt. No.
 13 50);

14 WHEREAS, on April 12, 2016, the Parties submitted a joint stipulation requesting that the
 15 April 15, 2016 CMC be rescheduled to June 3, 2016 at 2:30 p.m., or a subsequent date convenient
 16 for the Court (Dkt. No. 56);

17 WHEREAS, on April 14, 2016, the Court entered an order approving the Parties’
 18 April 12, 2016 stipulation and rescheduled the CMC to June 10, 2016 at 2:30 p.m. (Dkt. No. 57);

19 WHEREAS, on April 15, 2016, the Court held a hearing on motions to appoint lead
 20 plaintiff and lead counsel. (Dkt. No. 60);

21 WHEREAS, on April 19, 2016, the Court advanced the CMC scheduled for June 10, 2016
 22 to June 9, 2016 at 2:30 p.m. (Dkt. No. 63);

23 WHEREAS, on May 10, 2016, the Court issued a written order granting Fitbit Investor
 24 Group’s motion for appointment of lead plaintiff and granting its motion for appointment of
 25 Pomerantz LLP and Glancy Prongay & Murray LLP as co-lead counsel. (Dkt No. 73);

26 WHEREAS, the parties have met and conferred and agreed that given the parties’
 27 schedules and the complexity of this securities action, that approximately 45 days should be
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1 afforded to file an amended complaint and approximately 30 days should be afforded to respond
2 to that complaint.

3 WHEREAS, the Parties believe it would save judicial and Party resources if the CMC is
4 deferred until after the Court rules on Defendants' anticipated motion to dismiss;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
6 the undersigned Parties that:

7 1. Lead Plaintiff shall file an amended complaint no later than July 1, 2016;
8 2. Defendants' motion to dismiss the amended complaint shall be filed on or before
9 July 29, 2016.

10 3. The CMC shall be rescheduled to October 14, 2016 at 2:30 p.m., or such
11 subsequent date that is convenient for the Court.

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1 Dated: May 20, 2016

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POMERANTZ LLP

7 /s/ Jeremy A. Lieberman

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20 *Co-Lead Counsel for Plaintiffs*

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27 *Counsel for Defendants*
28 FITBIT INC., JAMES PARK,
and WILLIAM R. ZERELLA

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Lead Plaintiff shall file an amended complaint no later than July 1, 2016;
 2. Defendants' motion to dismiss the amended complaint shall be filed on or before July 29, 2016.
 3. The CMC shall be rescheduled to October 14, 2016 at 2:30 p.m.

DATED: 5/25/16

5/25/16

14/2016 at 2:30 p.m.
Susan Ilston

Honorable Judge Susan Illston

ATTESTATION

I, Ryan M. Keats, am the ECF User whose ID and password are being used to file this
STIPULATION AND [PROPOSED] SCHEDULING ORDER. In compliance with Civil L.R.
5-1, I hereby attest that Jeremy A. Lieberman concurred in this filing.

/s/ Ryan M. Keats